



Disciplinary Regulations

Red card and Misconduct Offences

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The Board of England Hockey (EH) formally adopted these Disciplinary Regulations on 4 June 2024 and agreed that they should come into effect on 1 September 2024. Amendments to these Disciplinary Regulations are approved under delegated authority and are valid from the date of issue.



SECTION A – INTRODUCTION

1. BACKGROUND

- 1.1 In these Disciplinary Regulations, the terms listed in Appendix 1 shall have the meanings set out there.
- 1.2 The overriding purpose of these Disciplinary Regulations is to maintain and promote fair play, to protect the welfare of Participants and to ensure that acts of on-field and off-field misconduct are dealt with expeditiously, fairly and by consistent and uniform means.
- 1.3 These Disciplinary Regulations are made pursuant to the powers of EH to act as the governing body protecting the Sport in England, as set out in the Articles of Association. They apply to all Participants.
- 1.4 These Disciplinary Regulations apply only to Misconduct and Red Card Offences, and not to more general dissatisfaction, complaints, grievances and disputes, for which there are alternative procedures, which can be found on EH's website.
- 1.5 It is the responsibility of each Member to ensure that all Participants engaging in any way with the Sport as part of, or connected to, the relevant Member are aware of the provisions of these Disciplinary Regulations.
- 1.6 These Disciplinary Regulations do not override provisions relating to persons employed by EH (or holding any other form of contract with EH) which contain a separate mechanism to deal with conduct or performance when operating under that contract. In such a case that mechanism will take precedence over these Disciplinary Regulations. This notwithstanding, those employed by or holding any other form of contract with EH who are subject to a separate disciplinary procedure when undertaking their contractual duties, in accordance with the terms of their contracts with EH, may also be subject to subsequent action falling within the scope of these Disciplinary Regulations. If an employee of EH or any person holding any form of contract with EH is acting in a voluntary capacity, they must comply with the same Codes of Conduct, regulations, policies and procedures as other volunteers.
- 1.7 These Disciplinary Regulations may be amended by the Board from time to time, with such amendments coming into effect on the date specified by EH.

2. WHAT CONSTITUTES MISCONDUCT & RED CARD OFFENCES?

Misconduct

- 2.1 A Participant or a Member may be guilty of Misconduct in accordance with these Disciplinary Regulations if they:
 - 2.1.1 commit a breach of any of these Disciplinary Regulations, the Rules of the Game or any EH Code of Conduct, regulation or policy;
 - 2.1.2 commit any breach of a provision of the Memorandum of Association or the Articles of Association (EH or Area), County (Sub-Area)



Constitution; any other resolution or determination of the Board or any committee of EH;

- 2.1.3 engage in conduct, which is prejudicial to the interests of, or harms or may harm, the reputation of the Sport [which is improper conduct];
 - 2.1.4 engage in the use of dissent and/ or otherwise unacceptable language and/or behaviour;
 - 2.1.5 fail within any time allowed (or fail at all) to assist an investigation by EH or a Panel;
 - 2.1.6 fail to satisfy or otherwise comply with any Decision made or Sanction imposed pursuant to these Disciplinary Regulations;
 - 2.1.7 engage in conduct which is otherwise inappropriate, incorrect, improper, unlawful or unsporting, or discriminatory;
 - 2.1.8 bring the Sport or other Participants or Members into disrepute, or engage in conduct which is contrary to the standards of behaviour or conduct expected.
- 2.2 Misconduct can take the form of a single act or omission, a series of acts or omissions, or a course of conduct or behaviour.

Red Card Offences

- 2.3 A Red Card may be issued by an Umpire to a Participant in respect of any Red Card Offence committed (1) during a Match and/or (2) in respect of any offence which is deemed sufficiently serious by the umpire that a red card would have been issued during a Match and is sanctionable under regulation 11.12, 11.14 or 11.15 of these regulations provided that such a Red Card is issued within thirty (30) minutes of the final whistle.
- 2.4 A Red Card may be issued to any relevant Participant (other than a spectator) taking part in or otherwise involved in a Match, including players, substitutes and team officials (including, but not limited to, managers, coaches, physios, videographers and doctors), whether or not such Participant was included on an official team sheet.
- 2.5 In addition to the Sanctions provided for below, where a Red Card is issued to a Participant who at the time the Red Card is issued is not playing in the Match (for example a substitute player or team official), the offending team must withdraw a player from the field of play and thereafter play the remainder of the Match with one less player.
- 2.6 The only circumstance in which a Red Card may be withdrawn is if the Umpire who issued the Red Card is satisfied on the day of the Match that there has been a case of mistaken identity. In such a case, the Umpire shall withdraw the Red Card and, if satisfied as to the identity of the actual Offender, issue a Red Card to the actual Offender.



3. JURISDICTION AND POWER

- 3.1 The Board delegates to EH, or any body or individual instructed by EH in accordance with these Disciplinary Regulations, the full power and jurisdiction to act in relation to all Red Card Offences, Misconduct Complaints and Disciplinary Cases, including the power to impose Sanctions, and take such action as it sees fit, in accordance with these Disciplinary Regulations.
- 3.2 This power and jurisdiction is delegated by the Board and shall be in respect of, and in relation to, all current Participants (or individuals who were Participants at the time the Red Card was issued or alleged Misconduct occurred).
- 3.3 The conduct of any Hearings held under these Disciplinary Regulations shall be determined at the discretion of the relevant Chair, as appointed by the Disciplinary Lead.
- 3.4 A Disciplinary Panel established under these Disciplinary Regulations in relation to a Red Card or alleged Misconduct shall have the power to request any Participant or Member, upon reasonable notice, to supply any further information required, including providing observations, documents or other material and/or attending one or more interviews, which may be recorded, in order to enable the Disciplinary Panel to carry out their role.
- 3.5 Allegations against or involving Children or Young People, or Adults at Risk, must be referred to EH's Lead Safeguarding Officer for an assessment as to whether the matter must be dealt with under the Safeguarding Regulations. Further information on all matters relating to the welfare of Children or Young People or Adults at Risk may be found on the EH website or by contacting EH's Lead Safeguarding Officer.
- 3.6 Outcomes of Matches will be determined in accordance with the specific Competition rules and regulations.
- 3.7 For the avoidance of doubt, on the request or recommendation by the police or any regulatory or statutory agencies any Disciplinary Case may be suspended or stayed until the outcome of any criminal or regulatory investigation is determined, regardless of the timescales stipulated in these Disciplinary Regulations. All matters involving the police, or regulatory or statutory agencies must be immediately referred to the Head of Legal & Governance.
- 3.8 EH has the right to lay a Disciplinary Charge against a Complainant should they reasonably consider a Misconduct Complaint or an Appeal to be frivolous, vexatious and/or malicious. EH may bring Disciplinary Charges against a Complainant for persistent Misconduct Complaints that result in no case to answer.



SECTION B – PROCEDURE

4. PROCEDURE FOR MAKING A MISCONDUCT COMPLAINT

The Disciplinary Panel

- 4.1 The Head of Legal & Governance shall take into account a range of considerations when determining the appropriate Disciplinary Panel to deal with a Misconduct Complaint in accordance with Regulation 7.5.2, including but not limited to, whether the Misconduct Complaint potentially gives rise to any:
- 4.1.1 Conflict of Interest for an ADP or EHDP member;
 - 4.1.2 issues related to protected characteristics (as per the Equality Act 2010);
 - 4.1.3 reputational damage to the Sport;
 - 4.1.4 need to engage third parties (such as statutory agencies);
 - 4.1.5 evidential complexities; or
 - 4.1.6 requirements for oral evidence.
- 4.2 Notwithstanding Regulation 4.1 above, the EHDP shall be the appropriate Disciplinary Panel in respect of any Misconduct Complaints which allege Misconduct in connection with:
- 4.2.1 the EHL or any EHL Relegation or Promotion, Play-offs or Championships;
 - 4.2.2 finals of the England Hockey Championships;
 - 4.2.3 the EH Indoor League (Super 6s); and
 - 4.2.4 any other national competition or stage of a competition or activity as determined by England Hockey.

Making a Misconduct Complaint

- 4.3 If any Participant or Member (or EH) reasonably believes that any Participant or Member is guilty of Misconduct they may make a Misconduct Complaint and, if they do so, they must:
- (a) set out in writing the grounds for the Misconduct Complaint and full details of the alleged Misconduct in a Misconduct Complaint Form; and
 - (b) send the Misconduct Complaint Form to the Head of Legal & Governance via e-mail at discipline@englandhockey.co.uk.
- 4.4 A Misconduct Complaint Form must be sent within fourteen (14) days of the alleged act(s), omission(s), incident(s) or behaviour(s) making up the alleged Misconduct, or of the date on which the Complainant ought reasonably to have become aware of the same, to the Head of Legal & Governance. Misconduct Complaints relating to alleged Misconduct outside that timescale may not be considered unless the circumstances presented are deemed exceptional such that the Chair of the EHDP determines in their sole discretion that it is in the



best interests of the Sport for the Misconduct Complaint to proceed. Where the alleged Misconduct relates to a series of incidents, acts or omissions or a course of conduct or behaviour, the period of fourteen (14) days shall run from the date of the last alleged act, omission, incident, or behaviour complained of.

4.5 As much detail as possible should be provided in the Misconduct Complaint Form including, but not limited to:

(a) why the Complainant feels the incident was Misconduct (with reference to the grounds at Regulation 2.1 above);

(b) details of the times, dates and location of the incident;

(c) full details of the use of any inappropriate or offensive language, with such language to be quoted verbatim, wherever possible; and

(d) witness statements from any Witness, which statement(s) shall include:

(i) the name and detail of the Witness;

(ii) full details of the evidence they will provide;

(iii) the date the statement was made;

(iv) a signed statement of truth.

A Complainant should be named in the Misconduct Complaint Form but in exceptional circumstances a Complainant may apply to EH for their identity to be withheld from a Respondent. Any such request should include full supporting reasons, which will be referred to the Chair of the EHDP for consideration and, where applicable, further directions will be issued on how the Misconduct Complaint shall proceed.

5. **PROCEDURE FOR RED CARDS**

The Disciplinary Panel

5.1 The NDP shall be the appropriate Disciplinary Panel in respect of any Red Card issued in a Match which falls within the scope of Regulation 4.2.

5.2 The ADP of the Area in which the relevant Club or Team (for which the Offender was participating when the red card was issued) operates shall, unless otherwise specified by the Disciplinary Lead, be the appropriate Disciplinary Panel in respect of all other Red Cards.

Red Card Forms

5.3 The Umpire who issued the Red Card shall, within seventy-two (72) hours following the completion of the Match, send a completed Red Card Form to the appropriate Disciplinary Administrator (as specified on the Red Card Form). The Umpire shall provide as much detail as possible in the Red Card Form, including full details regarding the nature and severity of the Red Card Offence (and where applicable quoting as accurately as possible any words used that led to the issue of the Red Card), the identity of the Offender and relevant Member, and any other information that may assist or inform the Disciplinary Panel in deciding the appropriate Sanction.



A failure to submit the Red Card Form within 72 hours does not automatically disqualify the Red Card from being considered by the appropriate Disciplinary Administrator.

- 5.4 In order to assist the Umpire in completing the Red Card Form, the Offender and any relevant individual (e.g. team captain on the Members's behalf) shall provide the Umpire with all information that they may reasonably require for the purpose of completing the Red Card Form, including sufficient details about the identity, age, shirt number and contact details of the Offender.
- 5.5 If the Offender or Umpire is a Child or Young Person at the time of the Red Card Offence, the relevant Disciplinary Administrator shall, on receipt of the Red Card Form, promptly send a copy of the Red Card Form to EH's Lead Safeguarding Officer.

Communications

- 5.6 All communications between the relevant Disciplinary Panel and the Offender up to and including the Penalty Notice Form shall be sent to the relevant Member, to be forwarded by the Member to the Offender. Where the Member is a Club, all communications sent by the relevant Disciplinary Panel shall be sent to the Club's CDO. It is the responsibility of the relevant Member to ensure that all communications from the Disciplinary Panel are forwarded to the Offender in sufficient time to enable the Offender to comply with any time limits prescribed in these Disciplinary Regulations. If an Offender is a Participant not linked to a Member, communications may be sent directly. The Disciplinary Panel may, in its discretion, directly communicate with an Offender.
- 5.7 It is the responsibility of the Offender to ensure that the Member or the organisation for which they are participating has sufficient details about them (including contact details) to enable the Member to provide:
- (i) the relevant Disciplinary Panel with all information requested; and
 - (ii) the Offender with copies of any documents sent by the relevant Disciplinary Panel in connection with the Red Card Offence.

6. INTERIM SUSPENSIONS

- 6.1 This Regulation 6 shall only apply in respect of Misconduct Complaints and shall not apply in respect of Red Cards. In respect of all Red Cards, the Mandatory Minimum Suspension shall automatically apply instead.
- 6.2 In the event that the Head of Legal & Governance deems the alleged Misconduct to be sufficiently serious, they may seek at any time following receipt of the Misconduct Complaint to refer the Misconduct Complaint to the Chair of the EHDP to consider the imposition of an Interim Suspension upon the Respondent.
- 6.3 If the Chair of the EHDP determines that the alleged Misconduct is of sufficient gravity or concern, the Respondent may be suspended from some or all activities within the Sport until the Disciplinary Case under these Disciplinary Regulations is concluded, or for such period deemed appropriate by the Chair of the EHDP. Such suspension shall be known as, and referred to, an "Interim Suspension".



- 6.4 An Interim Suspension pending investigation should not be automatic. A decision by the Chair of the EHDP on an Interim Suspension should be reasonable and proportionate given all the circumstances of the case.
- 6.5 In determining whether to impose an Interim Suspension, the Chair of the EHDP should consider the following, without limitation:
- 6.5.1 the protection of the Respondent, Complainant, other Participants or those involved in the Sport (whether identifiable or not);
 - 6.5.2 whether the decision not to impose an Interim Suspension may impede internal investigations or prejudice investigation by external organisations or is necessary to preserve the integrity of the evidence;
 - 6.5.3 whether the alleged Misconduct or matter is of a serious nature;
 - 6.5.4 whether an Interim Suspension is necessary to allow the conduct of any Misconduct Complaint;
 - 6.5.5 whether the reputation of the Sport, EH, its Staff, any Participant or Member could be harmed if an Interim Suspension was not imposed; and/or
 - 6.5.6 whether the alleged Misconduct, if proven, would have resulted in the issue of a Red Card.
- 6.6 An Interim Suspension is not a finding of guilt.
- 6.7 The length of the Interim Suspension is at the discretion of the Chair of the EHDP, taking into account the gravity of the Misconduct Complaint and the likely period between the start of the Interim Suspension and the final Decision to be made by the Disciplinary Panel. Any Interim Suspension imposed shall be reviewed after each period of three (3) months and the necessity, proportionality and terms of the Interim Suspension shall be reconsidered by the Chair of the EHDP as part of that review.
- 6.8 There is a right of review for any Respondent subject to an Interim Suspension. To request a review of an Interim Suspension, the Respondent must send written notice, by e-mail, using the Appeal Form to the Disciplinary Lead within ten (10) days of the date the Interim Suspension became effective, enclosing any material in support of the request for a review. The Disciplinary Lead shall refer the request and any accompanying information and evidence to the Chair of the EHDP for review and the Chair of the EHDP shall make a decision upon this as soon as reasonably possible. The period in which a request for a review of an Interim Suspension can be made and the final Misconduct Decision to be made by the relevant Disciplinary Panel may run concurrently with the Misconduct Complaint otherwise proceeding.
- 6.9 If a review against an Interim Suspension is requested, the Interim Suspension will remain in force until it is removed (or its terms varied) following the review.
- 6.10 Any breach of the terms or conditions of an Interim Suspension shall constitute Misconduct pursuant to these Disciplinary Regulations and may be dealt with accordingly.



- 6.11 Any Interim Suspension under these Disciplinary Regulations will automatically cease once the Misconduct Complaint has been determined by the Disciplinary Panel under these Disciplinary Regulations.

7. **DISCIPLINARY PANEL PROCEDURE**

- 7.1 Regulations 7.2–7.11 shall apply to Misconduct Complaints and Regulations 7.12– 7.18 shall apply to Red Card Offences.

Misconduct Complaints

- 7.2 Upon receipt of a Misconduct Complaint Form, the Head of Legal & Governance (or an individual appointed on their behalf) shall:
- 7.2.1 first determine whether EH has the jurisdiction to deal with it under these Disciplinary Regulations and may (if necessary) make enquiries into the facts and circumstances alleged or believed to constitute Misconduct; and
 - 7.2.2 send an acknowledgement along with the jurisdiction decision to the Complainant via e-mail within five (5) working days of receipt of the Complaint or such further clarificatory information requested.
- 7.3 All relevant Participants and Members shall cooperate fully with any initial investigation or fact-finding into the alleged Misconduct.
- 7.4 Where the Head of Legal & Governance determines that the Misconduct Complaint has no reasonable prospect of success, or has been made frivolously, vexatiously or maliciously, or fails to meet the requirements required to bring a Misconduct Complaint under these Disciplinary Regulations, then they shall refer the Misconduct Complaint to the Chair of the EHDP for a determination as to whether the Misconduct Complaint should be dismissed without further consideration. The decision of the Chair of the EHDP shall be final. An exception to referral shall be where a Misconduct Complaint is lodged outside of the periods stipulated in 4.4 above.
- 7.5 Where the Head of Legal & Governance has determined there is jurisdiction to deal with the Misconduct Complaint under these Disciplinary Regulations, they will within five (5) days of acknowledging the Misconduct Complaint:
- 7.5.1 appoint the Disciplinary Lead to manage the Misconduct Complaint under these Disciplinary Regulations;
 - 7.5.2 decide on the appropriate Disciplinary Panel (whether the EHDP or an ADP) in accordance with the provisions of 4.1 and 4.2 above.
- 7.6 The Disciplinary Lead shall,
- 7.6.1 within ten (10) days of the date of determination under 7.4 inform the Complainant in writing of the decision and may copy this notification to the appropriate ADA as necessary; or
 - 7.6.2 within ten (10) days of the date of determination under 7.5 above send to (a) the Respondent (as well as the Head of Legal & Governance) and the Disciplinary Secretary for the Disciplinary Panel that will consider the Misconduct Complaint a copy of the Misconduct Complaint Form with



all accompanying evidence and (b) the Respondent, Complainant and the appropriate Disciplinary Secretary a Misconduct Complaint Information Form which will provide outline details of the Misconduct Complaint to the Respondent and inform both Complainant and Respondent of the disciplinary process in line with these Disciplinary Regulations.

- 7.7 Any information lodged as part of a Disciplinary Case relating to a Misconduct Complaint should be communicated through the Disciplinary Lead or once a Misconduct Complaint has been allocated to an ADP to the appropriate Disciplinary Secretary who shall use best endeavours to provide written acknowledgment within five (5) days of receipt.
- 7.8 The Disciplinary Lead or appropriate Disciplinary Secretary shall endeavour to keep the Respondent and Complainant informed of the progress of any investigation or action as part of a Disciplinary Case.
- 7.9 The Respondent has seven (7) days from the date of the Misconduct Complaint Form in which to accept or deny, in writing, the Disciplinary Charge, and:
- 7.9.1 if the Respondent admits the allegation, or accepts they have committed the alleged Misconduct whether in whole or in part, they may provide to the Disciplinary Panel a written statement of mitigation within fourteen (14) days of the date of the Misconduct Complaint Information Form;
- 7.9.2 if the Respondent denies the allegation, or does not accept they have committed the alleged Misconduct whether in whole or in part, they may provide to the Disciplinary Panel their written response within fourteen (14) days of the date of the Misconduct Complaint Information Form;
- 7.9.3 if the Respondent fails to accept or deny, in writing, the Disciplinary Charge, or provide to the Disciplinary Panel their written response within fourteen (14) days of the date of the Misconduct Complaint Information Form, the Disciplinary Panel shall proceed on the basis that the Disciplinary Charge is not admitted and will proceed to consider the Misconduct Complaint on the basis of the information provided in the Misconduct Complaint Form and accompanying evidence alone.
- 7.10 The Complainant and/or the Respondent has the right to request an oral Hearing provided they set out such a request in writing in the relevant Misconduct Complaint Form or in their response to the Misconduct Complaint Information Form under 7.9 above. In the absence of any such request, or if the request for an oral Hearing is rejected, the Disciplinary Panel shall endeavour to reach a decision at a paper Hearing on the basis of the written evidence. In the event that the Disciplinary Panel Chair agrees to a request for an oral Hearing, the procedure set out in Appendix 2 shall apply.
- 7.11 Where more than one Misconduct Complaint appears to arise from the same or similar circumstances, they may be consolidated and dealt with by the same Disciplinary Panel.

Red Cards

- 7.12 In respect of Red Cards, an expedited procedural timetable shall apply. On receipt of a Red Card Form, the Disciplinary Panel shall within seventy-two (72)



hours decide whether the Red Card Offence described in the Red Card Form either:

- 7.12.1 has been correctly categorised as a Red Card involving a Minor Offence and if not recategorise;
 - 7.12.2 attracts the Mandatory Minimum Suspension and no more; or
 - 7.12.3 attracts a more severe Sanction than the Mandatory Minimum Suspension.
- 7.13 Where the Disciplinary Panel decides that the Red Card Offence described in the Red Card Form attracts the Mandatory Minimum Suspension and no more, the Disciplinary Panel shall, within seventy-two (72) hours of receipt of the Red Card Form, notify its Decision to the relevant Member (or Participant) by completing and sending to the Member (or Participant) a Penalty Notice Form. Such Penalty Notice Form shall contain details of the Sanction imposed (the Mandatory Minimum Suspension only), succinct reasons for the Decision and any decision to split the sanction across more than one continuous period.
- 7.14 There shall be no right of Appeal in respect of the Mandatory Minimum Suspension.
- 7.15 Where the Disciplinary Panel decides that the Red Card Offence described in the Red Card Form attracts a more severe Sanction than the Mandatory Minimum Suspension, then:
- 7.15.1 the Disciplinary Panel shall, within seventy-two (72) hours of receipt of the Red Card Form, send a copy of the Red Card Form to the relevant Member, along with:
 - (i) a written confirmation that the Red Card Offence may attract a more severe Sanction than the Mandatory Minimum Suspension; and
 - (ii) an invitation for the Offender and/or relevant Member to make written representations regarding the Red Card Offence in accordance with Regulation 7.15.2;
 - 7.15.2 upon receipt of the Red Card Form under Regulation 7.15.1, the Offender and/or the relevant Member may make written representations to the Disciplinary Panel regarding the Red Card Offence. Such written representations may include a response to the Umpire's description of the Red Card Offence in the Red Card Form, a statement of mitigation, or any other information or evidence which the Offender or Member wishes to have taken into consideration. Such representations must be made in writing and sent to the relevant Disciplinary Panel by no later than 4pm on day ten (10) of the Mandatory Minimum Suspension period;
 - 7.15.3 within five (5) days of (a) receipt of any written representations made under Regulation 7.15.2; or (b) 4pm on day ten (10) of the Mandatory Minimum Suspension period, whichever is the later, the Disciplinary Panel shall reach its Decision on the Sanction to be imposed (taking into account the Red Card Form and any written representations provided) and notify the Offender of the Decision by sending to the relevant Member a Penalty Notice Form. Such Penalty Notice Form shall contain details of the Sanction imposed, succinct reasons for the Decision and any decision to split the sanction across more than one continuous period; and



- 7.15.4 within seven (7) days of the Member's receipt of the Penalty Notice Form under Regulation 7.15.3, the Offender and/or the relevant Member may Appeal the Disciplinary Panel's Decision with regard to any sanction in excess of the Mandatory Minimum Sanction in accordance with the Appeals procedure set out in Regulation 13.
- 7.16 Within seventy-two (72) hours of the Penalty Notice Form being provided to the Member, the Disciplinary Panel shall also send:
- 7.16.1 a copy of the Red Card Form and Penalty Notice Form to the relevant ADA and EH Disciplinary Lead (if the Disciplinary Panel is an ADP) or the EH Disciplinary Lead (if the Disciplinary Panel is the EDHP); and
- 7.16.2 a copy of the Penalty Notice Form to the Umpire who issued the Red Card.
- 7.17 The EH Disciplinary Lead shall where appropriate send a copy of the Penalty Notice Form to the Lead Safeguarding Officer.
- 7.18 For the avoidance of doubt the Offender shall have no right to request an oral hearing, although the Disciplinary Panel may, at their absolute discretion, invite oral representations if they think that these will assist in their determination of any issue relating to a Red Card.

8. **EVIDENCE**

- 8.1 A Participant or Member charged with Misconduct, or a Participant issued with a Red Card (which carries more than the Mandatory Minimum Suspension), or their representative, has the right to:
- 8.1.1 be given access to all evidence available to the Disciplinary Panel;
- 8.1.2 respond to the evidence;
- 8.1.3 unless the relevant Panel decides otherwise, know the source of the evidence;
- 8.1.4 challenge the evidence.
- 8.2 The Disciplinary Panel may give directions on:
- 8.2.1 joining parties to the Misconduct Complaint or consolidating proceedings involving Misconduct Complaints;
- 8.2.2 the issues on which it requires evidence;
- 8.2.3 the nature of the evidence which it requires to decide those issues;
- 8.2.4 the filing of Witness statements; and/or
- 8.2.5 the way in which the evidence is to be placed before the Disciplinary Panel.
- 8.3 The Panel may admit any evidence it considers fair and relevant, whether or not such evidence would be admissible in a court of law. The Panel may accord such weight to the evidence as they think appropriate in all the circumstances.



- 8.4 In respect of any Misconduct Complaint, the Complainant's initial written Misconduct Complaint Form will automatically form their evidence. The Panel may, if considered necessary for determining the case, direct that supplemental evidence be submitted.
- 8.5 In respect of a Red Card, the Red Card Form will automatically form the Umpire's evidence, and any written representations made by the Offender and/or Member under Regulation 7.15.2 will automatically form their evidence.
- 8.6 Subject to the requirements of a fair Hearing, the Panel may exclude evidence that would otherwise be admissible to ensure fairness between the parties.
- 8.7 A Panel may decide any issue of fact and draw any inference of fact that it considers to be supported by the evidence.
- 8.8 The Disciplinary Secretary may, in advance of the Disciplinary Hearing, contact the Disciplinary Lead to ascertain if there is a record of any previous offences of the Respondent on record within the relevant retention period. The Disciplinary Lead will provide the Disciplinary Secretary with the previous number of disciplinary cases and any Sanctions of the Respondent but not the detail of previous cases of the Respondent. This information will only be used by the Disciplinary Panel in the event that they find that the Disciplinary Charge is proven and is considering the appropriate Sanction.

9. **BURDEN AND STANDARD OF PROOF**

Misconduct Complaints

- 9.1 To find a Participant or Member guilty of Misconduct, the Disciplinary Panel must be satisfied that the Misconduct has occurred. This standard of proof in all Misconduct cases shall be on the balance of probabilities, i.e. more likely than not to have happened.

Red Card Offences

- 9.2 Where a Participant, Member or Umpire wishes to establish specific facts or circumstances relating to a Red Card, the standard of proof shall be on the balance of probabilities, i.e. more likely than not to have happened.

10. **DECISIONS**

- 10.1 The entirety of this Regulation 10 shall apply in respect of Misconduct Complaints. Only Regulations 10.6, 10.7 and 10.8 shall apply in respect of Red Cards.
- 10.2 A Participant or Member will have no right of access to the deliberations of the Panel. The reasons as to why a Decision has been reached should be contained within the Penalty Notice Form (Red Card) / Panel Decision Notice (Misconduct).



- 10.3 Disciplinary Panels can find a Participant or Member guilty of a less serious offence than that which they have been charged. Such Decisions must be based upon the evidence and submissions (if any).
- 10.4 The written Decision of the Disciplinary Panel shall be completed by the Disciplinary Panel Chair within seven (7) days of the Decision and sent to the Disciplinary Lead on the Panel Decision Notice.
- 10.5 The Disciplinary Lead shall notify the Respondent, Complainant, the relevant ADA, the Head of Legal & Governance and any other relevant parties (i.e. associated Member) of the Disciplinary Panel's Decision (including Sanction) using the Panel Decision Notice no later than seven (7) days after receiving the Panel Decision Notice.
- 10.6 The Disciplinary Lead will communicate to relevant parties on a need-to-know basis information relating to any Sanction where it is necessary to give that Sanction effect.
- 10.7 EH is entitled to publish the Decision of the Disciplinary Panel in such a manner as it considers appropriate after the Disciplinary Lead has notified the parties and the Appeal period has expired. Parties to a Disciplinary Case or an Appeal are deemed to have consented to such publication.
- 10.8 In reaching its Decision, the Panel may take into account any relevant evidence, in accordance with 8.3, even if such evidence is not formally submitted by the parties. Any evidence used by the panel, where not submitted by the parties, will be presented to the parties with an opportunity to provide a response before a Decision is reached by the Panel.

SECTION C – SANCTIONS AND APPEALS

11. SANCTIONS

- 11.1 Sanctions must not be unreasonable or disproportionate in all the circumstances. Where a Disciplinary Charge has been proved against, or admitted by, a Child or Young Person, any Sanction imposed should take into consideration that Child or Young Person's age. Where a Red Card has been issued, certain minimum Sanctions prescribed in Regulations 11.12 - 11.19 shall apply.
- 11.2 Sanctions which may be imposed (in addition to any Mandatory Minimum Suspension for Red Cards) include without limitation:
 - 11.2.1 a warning, caution or reprimand as to future conduct;
 - 11.2.2 an order specifying certain training to be undertaken (or to be subject to a period of monitoring/mentoring);
 - 11.2.3 an order requiring an individual to be monitored in specific matters;
 - 11.2.4 an order to pay compensation to a Member, Participant or other person or body;
 - 11.2.5 a partial or full suspension (interim or temporary) from involvement in Matches or otherwise from involvement in the Sport (or parts of the Sport) at any level for a specified period of time;



- 11.2.6 in the case of Misconduct which impinges on the integrity of a Competition, to deduct Competition points or impose any other Sanction relevant to the matter in hand; and/or
- 11.2.7 a fine.
- 11.3 The Disciplinary Panel may order that any part of a Sanction be suspended for a specified period (not exceeding twelve (12) months). If the Respondent is subject to a suspended Sanction in connection with a Misconduct Complaint and is found to have committed another offence of Misconduct or, if an individual receives a Red Card attracting at least the Mandatory Minimum Suspension during the period of suspension, the suspended Sanction may be activated in full. This Sanction will be in addition to any Sanction imposed as a consequence of the additional Misconduct.
- 11.4 Any period of suspension imposed may be backdated to take into account the Mandatory Minimum Suspension (for Red Cards) or any Interim Suspension that may have been imposed in accordance with Regulation 6.
- 11.5 Sanctions may be held over until the next Season. Sanctions cannot be held over for more than twelve (12) months unless the Respondent is no longer involved in the Sport or no longer a Participant, in which case the Sanction may be held over for the shorter of five (5) years or until the Respondent resumes their involvement in the Sport.
- 11.6 Any Sanction, including a partial or full suspension of participation in the Sport imposed by a Disciplinary Panel, shall be binding on all Participants and relevant Members. Any attempt by a Participant or Member to induce a breach of a Sanction imposed by a Disciplinary Panel, or any attempt to contravene, or facilitate the contravention of, a Sanction will amount to Misconduct.
- 11.7 Where the Decision involves a Sanction, and an Appeal against that Sanction is lodged in accordance with these Disciplinary Regulations, the Sanction may be stayed pending the determination of the Appeal. If the Appeal process has not been completed within twenty-eight (28) days of the Appeal being lodged, the Decision to continue with the stay, or to lift the stay and impose the Sanction, will be reviewed by the Appeal Panel.
- 11.8 A Panel may impose Sanctions regardless of whether an offence has been committed deliberately, recklessly or negligently.
- 11.9 Any Sanction that amounts to a permanent exclusion from the Sport must first be reviewed and endorsed by the EH Board.
- 11.10 Nothing in these Disciplinary Regulations shall in any way restrict a Member's ability to impose a separate or additional Sanction on a Participant. If a Member imposes a Sanction on a Participant which goes further than any Sanction imposed by the relevant Panel, the Member shall notify the relevant Panel and EH Disciplinary Lead within seventy-two (72) hours of the imposition of such additional Sanction. Where the Participant was a Child or Young Person at the time of the Misconduct or Red Card Offence (as applicable), the EH Disciplinary Lead shall where appropriate send a copy of the Penalty Notice Form to the Lead Safeguarding Officer.



- 11.11 A Panel should, when determining an appropriate Sanction, take into consideration any other sanction that has been imposed on the Offender/Respondent by another Panel in connection with the same or similar offence.

Red Card Offences

Mandatory Minimum Suspension

- 11.12 The mandatory minimum period of suspension for the Offender issued with a Red Card by an Umpire (other than a Red Card categorised by the Disciplinary Panel as falling within under regulation 11.13) shall be sixteen (16) days (the "Mandatory Minimum Suspension"). Subject to Regulation 11.19, the Mandatory Minimum Suspension shall consist of consecutive days beginning on the day of the Match in which the Red Card was issued (i.e. the day of the Match shall be day one (1)).

Minor Offences Red Card

- 11.13 Where a Participant is issued with a Red Card for two separate (but the same) Minor Offences for which two yellow cards were awarded, the Mandatory Minimum Suspension shall not apply and no Sanction shall be imposed on the Participant under these Disciplinary Regulations. However, if upon receipt of the Red Card Form the Disciplinary Panel considers that either of the yellow cards were issued for an offence which was not a Minor Offence, this Regulation 11.13 shall not apply, the Disciplinary Panel will recategorise the Red Card and follow the processes in regulation 7.12 to 7.18 to consider whether the Mandatory Minimum Suspension or such other sanction as may be considered appropriate shall apply.

Non-violent Offences

- 11.14 Where the Red Card Offence is a Nonviolent Offence, the minimum period of suspension shall be as follows:

Nonviolent Offence	Minimum Period of Suspension
An act of Dissent or any other offence for which a Red Card is issued which is not a Minor Offence or a Violent Offence	16 days
An act of Dissent which includes foul or abusive language or direct allegations of bias or cheating against an umpire	30 days



Violent Offences

- 11.15 Where the Red Card Offence is a Violent Offence, the minimum period of suspension shall be as follows:

Violent Offence	Minimum Period of Suspension
Used, attempted or threatened to someone other than an Umpire or other Match Official	30 days
Used, attempted or threatened against an Umpire or Match Official	60 days

General

- 11.16 An Offender subject to any period of suspension under regulation 11.14 or 11.15 shall not, take part in any Match as a Participant other than internal club training or as a spectator.

11.16.1 The Offender may, in exceptional circumstances, make an application to the Disciplinary Panel for dispensation from the effects of any period of suspension issued under regulation 11.14 or 11.15;

11.16.2 Any permission given by the Disciplinary Panel shall only be issued in exceptional circumstances following consultation with the Disciplinary Lead and the decision on this shall be final.

- 11.17 Where an Offender is issued with a second or subsequent Red Card in any 12-month period, the minimum periods of suspension prescribed in this Regulation 11 for Red Card Offences (the "Minimum Periods of Suspension") shall be doubled, which for the avoidance of doubt is as follows:

11.17.1 For an offence which is not a Violent Offence, 16 days shall be doubled to 32 days;

11.17.2 For a Violent Offence against someone other than an Umpire or Match Official 30 will be doubled to 60 days;

11.17.3 For a Violent Offence against an Umpire or Match Official 60 days will be doubled to 120 days;

11.17.4 Any additional penalty relevant to the Red Card under consideration beyond these enhanced Minimum Periods of Suspension shall remain at the discretion of the Disciplinary Panel;

11.17.5 For the purpose of this Regulation 11.17, Red Cards issued for two Minor Offences in accordance with Regulation 11.13 shall not be counted.

- 11.18 In addition to imposing a period of suspension, a Disciplinary Panel may also impose one or more of the Sanctions listed in Regulation 11.2 in respect of any Red Card Offence.



- 11.19 The Minimum Periods of Suspension are minimum periods only and shall not in any way restrict a Disciplinary Panel's ability to impose a longer period of suspension on the Offender if it deems appropriate. In particular, any premeditated, repeat or serious offences may result in a substantially more severe Sanction than the Minimum Periods of Suspension prescribed above.
- 11.20 The ADAs acting together and unanimously may from time to time agree a minimum period of suspension to combat an increase in offender behaviour provided that such a minimum period of suspension shall be reviewed annually. Any such change to the minimum period of suspension shall be communicated as appropriate.
- 11.21 Any period of suspension shall, unless otherwise directed by the Disciplinary Panel, consist of consecutive days beginning on the day of the Match in which the Red Card was issued (the day of the Match shall be day one (1)). However, the Disciplinary Panel may at its discretion:
- 11.21.1 direct that the period of suspension shall commence on any other day which it sees fit (for example, if little or no hockey will be played during the period immediately following the Match in question); and/or
- 11.21.2 direct that there should be one or more breaks in the period of suspension.

Failure to Comply with Sanctions

- 11.22 Each Participant must:
- 11.22.1 ensure that all Members with which they are associated from time to time (including any new Club which the Participant joins during a period of suspension) are aware of any Sanction in force against the Participant; and
- 11.22.2 comply with any Sanction imposed by a Disciplinary Panel. Any failure by a Participant to comply with this Regulation 11.22 shall constitute an act of Misconduct and may lead to further Sanctions.
- 11.23 All Members must implement and enforce any Sanction imposed by a Disciplinary Panel against a Participant who is participating for or connected with that Member from time to time. Any Member who knowingly fails to comply with this Regulation 11.23 shall be guilty of an act of Misconduct and may lead to further Sanctions.
- 11.24 Where an Offender breaches an existing Sanction, imposed as a result of a Red Card, that consists of or includes a period of suspension, the period of suspension for such breach shall be at least double the original suspension.
- 11.25 Where it is alleged that an Offender has breached an existing Sanction, the allegation shall be referred to the relevant Disciplinary Panel who will investigate the allegation in accordance with the processes set out in regulations 7.12 to 7.17.

12. **OTHER INTERVENTIONS**

- 12.1 Mediation: Where a Panel has made a recommendation for Mediation in respect of a Misconduct Complaint, the procedure at Appendix 3 shall apply. This shall not apply in respect of Red Cards.



- 12.2 Training: If, following receipt of a Red Card Form, Misconduct Complaint Form or other complaint, the Head of Legal and Governance determines that the Member, Participant or other individuals in question would benefit from training in relation to EH's expected standards of behaviour, then they may, irrespective of whether disciplinary action has been taken or not, direct that training should occur. A failure or refusal to attend such training may constitute Misconduct under these Disciplinary Regulations.

13. **APPEALS**

13.1 Making an Appeal

- 13.1.1 There shall be no right of Appeal in respect of the issue of a Red Card or the Mandatory Minimum Suspension for a Red Card Offence. An Appeal Body in an exceptional case may set aside the Red Card following an Appeal.
- 13.1.2 The Respondent in a Misconduct case and the Offender in a Red Card case (subject to the limitations in regulation 13.1.1 above) have the right to Appeal against the Decision of a Disciplinary Panel (whether an ADP or the EHDP) on the grounds set out below, providing they attended, or were represented at, the Disciplinary Hearing, or made submissions in writing to the Disciplinary Panel.
- 13.1.3 EH, subject to the grounds set out at 13.1.5 have a right of Appeal, or, at the discretion of the relevant Chair, may be a party to an Appeal. The parties to any Appeal may be either the Respondent or Offender and EH.
- 13.1.4 An Appeal from a Decision by an ADP shall be heard by the EHDP. An Appeal from a Decision by the EHDP shall be heard by the EHAP.
- 13.1.5 An Appeal can only be sought against a Decision of the relevant Disciplinary Panel on one or more of the following grounds:
- (a) the Decision of the relevant Disciplinary Panel is based on an error of fact or could not have reasonably been reached by a Disciplinary Panel when faced with the evidence before it;
 - (b) there was serious injustice because of a procedural or other irregularity in the proceedings;
 - (c) significant and relevant new evidence has come to light which was not available before the Disciplinary Panel Decision was made and could not have reasonably been obtained earlier but, had it been available, may have caused the relevant Disciplinary Panel to reach a materially different Decision; or
 - (d) the Sanction imposed is manifestly unreasonable in the light of the relevant Disciplinary Panel's Decision.

Scope of an appeal

- 13.1.6 An Appeal shall be by way of a review only and not by way of a rehearing.



- 13.1.7 The Appeal Panel will decide whether the original Decision or Sanction imposed by the Disciplinary Panel can be reviewed (without rehearing all the evidence).
- 13.1.8 The Appeal Panel shall give the parties the right to be heard whether orally or in writing and to be represented. Where the Appellant is an individual, they may be accompanied by one Representative of their choice. Where the Appellant is a Club or Member, it may have one or two (2) of its officers present or one officer and a Representative.
- 13.1.9 The Appeal Panel may request the Disciplinary Panel Chair, the Respondent or the original Complainant, to provide additional information if they deem it necessary.

13.2 Appeal Forms

- 13.2.1 To commence an Appeal, the Appellant must complete an Appeal Form and send it to the Disciplinary Lead, by e-mail, within seven (7) days of the date on which the Penalty Notice Form or Panel Decision Notice (as applicable) was issued to the Appellant. The Appeal Form must:
- (a) identify the Decision and Sanction, and the grounds for the Appeal as set out in Regulation 13.1.5;
 - (b) state whether the Appeal is in respect of the whole of a Decision or only the Sanction imposed;
 - (c) state whether an oral Hearing is requested and, if so, why an oral Hearing is both proportionate and necessary; and
 - (d) include the Appellant's address or e-mail address for service of any documents;
 - (e) be accompanied by a payment of £100 (Appeal Fee):
- 13.2.2 If the Appeal Form does not comply with all the requirements set out in Regulation 13.2.1 (including time limitations and payment of the appropriate Appeal Fee), that Appeal Form shall be null and void and shall not form the basis of a valid Appeal. Any Appeal Fee paid shall be returned in full.
- 13.2.3 Upon conclusion of the Appeal, the relevant Appeal Panel may, at its sole discretion, direct that all or part of the relevant Appeal Fee is refunded.
- 13.2.4 The grounds of an Appeal shall not be amended after submission of an Appeal Form except as agreed by the Chair of the relevant Appeal Panel.

13.3 Make-up of the Appeal Panel

- 13.3.1 The relevant Appeal Panel (whether the EHDP or the EHAP) shall be convened (in consultation with the Chair) and administered by the Disciplinary Lead. No person who sat on the previous Disciplinary Panel (in respect of the appealed Decision) will be a member of the Appeal Panel.



13.4 Appeal Notices

13.4.1 Within five (5) days following receipt of an Appeal Form, the Disciplinary Lead shall send to the parties, and the Chair of the relevant Appeal Panel a copy of the Appeal Form and any accompanying evidence. The Disciplinary Lead shall also set out:

- (a) the individuals, specifically identifying the Chair, who will constitute the relevant Appeal Panel; and
- (b) an outline of the grounds for the Appeal.

13.5 Appeal Procedure

13.5.1 Within five (5) days following receipt of an Appeal Notice,

- (a) the Chair of the relevant Appeal Panel shall consider whether the Appeal Notice properly identifies a basis with a reasonable prospect of success for contending that one or more of the grounds for an Appeal set out in Regulation 13.1.5 are present and, if so, whether the Appeal should be heard by way of an oral Hearing or determined by way of a paper Hearing, and shall notify the parties of their decision in writing. In determining whether the Appeal should be heard by way of an oral Hearing, the Chair of the relevant Appeal Panel shall take into account:
 - (b) the nature of the Misconduct or Red Card Offence;
 - (c) the severity of the Sanction imposed by the relevant Disciplinary Panel;
 - (d) whether the Appellant has requested an oral Hearing in the Appeal Form (which, for the avoidance of doubt, shall not be determinative); and
 - (e) whether, in all the circumstances, an oral Hearing is proportionate and/or will assist in the fair, just and timely determination of the Appeal.

13.5.2 In the event that the Chair decides that the Appeal should be heard by way of an oral Hearing, the procedure set out in Appendix 2 shall apply.

Power to stay, suspend or vary a Decision or Sanction pending Appeal

13.5.3 The Chair of the relevant Appeal Panel may stay, suspend or vary any Decision or Sanction pending determination of the Appeal, at their discretion. Any order to stay, suspend or vary any Decision or Sanction pending determination of the Appeal shall be notified to all relevant parties in writing as soon as practicable.

Appeals with no oral Hearing

13.5.4 Where the Appeal is to be heard by way of a paper Hearing (i.e. on the basis of the written evidence), the following provisions shall apply:

- (a) Within fourteen (14) days of the date of the Appeal Notice, the Appellant may provide further written submissions to the Appeal Panel, accompanied by a signed statement of truth that



all facts and matters relied upon are true to the best of their knowledge (the "Appeal Submissions"). The Appellant should ensure that any Appeal Submissions are not unnecessarily duplicative of the written submissions provided in the Appeal Form. The Appeal Submissions may include accompanying Witness Statements provided that such statements satisfy the requirements of Regulation 13.1.5 (c). All Witness Statements must be accompanied by a signed and dated statement of truth.

- (b) Within twenty-eight (28) days of the date of the Appeal Notice, the remaining party to the Appeal (i.e. not the Appellant) may provide written submissions in reply to the Appellant's Appeal Submissions, accompanied by a signed statement of truth that all facts and matters relied upon are true to the best of their knowledge (the "Reply Submissions"). The Reply Submissions may also include accompanying Witness Statements provided that such statements satisfy the requirements of Regulation 13.1.5 (c). All Witness Statements must be accompanied by a signed statement of truth.
- (c) If, on receipt of the Appeal Submissions and Reply Submissions, the relevant Appeal Panel decides that the Appeal should be dealt with by way of an oral Hearing (for example if it becomes apparent that the findings made on the basis of the evidence are disputed and an oral Hearing is likely to assist the determination of the Appeal), the Appeal Panel may in its discretion direct that the Appeal should be heard by way of an oral Hearing and the procedure set out in Appendix 2 shall apply.
- (d) As soon as reasonably practicable after the expiration of twenty-eight (28) days from the date of the Appeal Notice, the Appeal Panel shall consider the Appeal (taking into consideration the Appeal Form and any Appeal Submissions and Reply Submissions) and the Appeal Panel may either:
 - (i) allow the Appeal; or
 - (ii) allow the Appeal in part, in which case it may impose a lesser Sanction than that imposed by the Disciplinary Panel; or
 - (iii) dismiss the Appeal and confirm the Decision appealed against including any Sanction imposed; or
 - (iv) dismiss the Appeal and the Sanction imposed by the relevant Disciplinary Panel; or make any other decision as it sees fit.

13.6 Procedure following an Appeal Decision

- 13.6.1 The written Decision of the Appeal Panel, including reasons, shall be completed by the Appeal Panel Chair within seven (7) days of making its Decision or as soon as reasonably practicable and sent to the Disciplinary Lead on the Panel Decision Notice.



13.6.2 The Disciplinary Lead shall notify the parties to the Appeal, the Chair of the original Disciplinary Panel, the relevant ADA and the Head of Legal & Governance of the Appeal Panel's Decision (including Sanction) using the Panel Decision Notice no later than seven (7) days after receiving the Panel Decision Notice.

13.6.3 EH is entitled to publish the Decision of the Appeal Panel in such a manner as it considers appropriate after the Disciplinary Lead has notified the parties. Parties to an Appeal Hearing are deemed to have consented to such publication.

13.7 Further Appeals

13.7.1 The Decision, following an Appeal, of the EHDP may be subject to a further appeal to the EHAP by the Appellant and/or EH in accordance with these Disciplinary Regulations only if the Chair of the EHAP determines (in their sole discretion) that:

- (a) the Decision of the EHDP is based on an error of fact or could not have reasonably been reached by the EHDP when faced with the evidence before it;
- (b) there was serious injustice because of a procedural or other irregularity in the EHDP proceedings;
- (c) it is in the general interest of the individuals and associated bodies involved in the Sport that the particular Misconduct Complaint or Red Card should be adjudicated upon by the EHAP; and
- (d) the proposed Further Appeal has a reasonable prospect of success.

13.7.2 A request for permission for a Further Appeal must be made within seven (7) days of the date on which the Panel Decision Notice was issued by the Disciplinary Lead. The Appellant must complete an Appeal Form and send it to the Disciplinary Lead, marked for the attention of the Chair of the EHAP together with copies of the following:

- (a) the relevant Misconduct Complaint Form or Red Card Form;
- (b) the Appeal Notice to the EHDP;
- (c) the decisions made by the relevant Disciplinary Panel and the EHDP together with any written reasons;
- (d) all written representations and any Witness Statements produced for the relevant Disciplinary Panel and the EHDP; and
- (e) any other documents relied on by any party in connection with the Disciplinary Charge.

13.7.3 The Further Appeal Request should include a summary of the facts and matters relied upon to satisfy the requirements for permission for a Further Appeal as set out in Regulation 13.7.1. If permission is granted, the Further Appeal Request shall become the Appeal Form for the purposes of the Further Appeal. The decision by the Chair of the EHAP as to whether to permit a Further Appeal shall be notified in writing to the parties to the intended Further Appeal. If the decision is to permit



the Further Appeal no reasons will be given, but if the decision is to refuse permission, such notification shall include succinct reasons for the decision.

- 13.7.4 If permission for a Further Appeal is granted, such Further Appeal shall be determined at an oral Hearing. The Head of Legal & Governance (or person nominated on their behalf), on behalf of the EHAP, shall serve on the parties to the Further Appeal a notice in writing stating the date, time and place at which the EHAP will hold the Hearing. The Oral Hearing Procedure set out in Appendix 2 shall be followed so far as possible, subject to the discretion of the Chair of the EHAP to adapt the procedure having regard to the circumstances of the particular case.
- 13.7.5 As soon as reasonably practicable after permission for a Further Appeal has been granted, the Chair of the EHAP shall constitute a further Appeal Panel to consider the same. The relevant Appeal Panel shall have the power to:
- (a) confirm, vary or revoke the Decision of the relevant Appeal Panel;
 - (b) confirm, reduce or quash any Sanction or order made by the Appeal Panel;
 - (c) substitute any Sanction that would have been available to the Disciplinary Panel; or
 - (d) make any other order or determination it considers right or just.
- 13.7.6 If the Appeal Panel considers it necessary, in the light of new evidence produced, it may order that the case be reheard by the original or a different Disciplinary Panel.
- 13.7.1 Regulations 13.5.3 (stay, suspend or vary Decision), and 13.6 (Procedure following an appeal Decision) shall apply to any further Appeal to the EHAP and be read accordingly.
- 13.8 Upon conclusion of the Further Appeal, the EHAP may direct that all or a proportion of the Appeal Fee be refunded to the Appellant.
- 13.9 The Decision of the EHDP shall be final and binding unless it is subsequently varied by an EHAP in which case the final decision on appeal or further appeal shall be final and binding on all parties.

SECTION D – ADDITIONAL REGULATIONS

14. PANEL MEMBERS

- 14.1 All members of Panels must:
- 14.1.1 act in good faith;
 - 14.1.2 be independent, unbiased and impartial;



- 14.1.3 have no personal interest in the outcome of proceedings and have had no involvement with the matter under consideration;
 - 14.1.4 declare any personal interest they may have in proceedings;
 - 14.1.5 deal with cases consistently and fairly in accordance with standard procedures and in the interests of natural justice;
 - 14.1.6 make the Decision on evidence relevant to the issue;
 - 14.1.7 not allow irrelevant considerations to affect the Decision;
 - 14.1.8 act in a non-discriminatory manner; and
 - 14.1.9 act in accordance with these Disciplinary Regulations at all times.
- 14.2 In addition, no member of any Panel may be directly connected to, or have a personal interest with, any named party involved in the specific Disciplinary Case being heard. Each member of the relevant Panel has a duty to declare any potential or actual Conflict of Interest.
- 14.3 Individuals on the Panel Register must receive EH training at least once every two (2) years. These individuals will remain on this register until:
- 14.3.1 receipt of their resignation in writing to the Head of Legal & Governance;
 - 14.3.2 non-completion of mandatory training; or
 - 14.3.3 the Head of Legal & Governance writes to the individual and notifies them of their removal from this Register. This decision is at the discretion of the Head of Legal & Governance, is final and not subject to any appeal.
- 14.4 Any member of a Panel who is approached improperly is required to notify the Chair of that Panel (and the Disciplinary Lead) immediately, who shall determine whether or not the member shall be required to stand down and be replaced.
- 14.5 At the discretion of the Chair, Panels may come together as and when it is considered appropriate, outside the Disciplinary Hearing in order to review and agree documentation or procedure.

15. CASES INVOLVING CHILDREN OR YOUNG PEOPLE OR ADULTS AT RISK

- 15.1 All matters relating to the protection of Children or Young People or Adults at Risk, including 'poor practice', abuse and bullying, must be referred to EH's Lead Safeguarding Officer for initial determination of whether the matter will be dealt with pursuant to the Safeguarding Regulations. The guidelines at Appendix 5 shall also apply.



16. CONFIDENTIALITY

- 16.1 All information provided in relation to the Disciplinary Case shall be regarded as Confidential Information and be kept securely by all those involved in the process, including the Complainant, Respondent, Offender, Advocates and members of a Panel (including the facts of the case, evidence, Witness statements and contents of their deliberations). Only the contents of those Decisions already notified to the parties involved may be made public as determined by the Disciplinary Panel at the conclusion of the Disciplinary Case. Failure to respect the confidential nature of the Disciplinary Case could result in a Disciplinary Charge against the person or entity breaching confidentiality.
- 16.2 When an individual is dealing with a Misconduct Complaint, they are doing so not as an individual in their personal capacity but as part of the EH Disciplinary Regulations. At times, it may be appropriate to share such information with those involved in the process. This will not be classified as a breach of confidentiality.
- 16.3 Information resulting from the Disciplinary Case will be disclosed if required by law or if it is a safeguarding issue. Decisions of Panels may be disclosed to relevant parties, on the EH website or other EH publications.

17. RECORD KEEPING AND DATA RETENTION POLICY

- 17.1 EH's Data Protection Policy sets out its commitment to protecting personal data; all personal data held with regards to the Disciplinary Case shall be held in accordance with EH's Data Protection Policy, Privacy Policy and Data Protection Laws. Any data shared with the Areas, for the administration of the game, will be held and used in accordance with the relevant Area Data Protection Policy.
- 17.2 For the purposes of lesson-learning, and for consideration in any further relevant Disciplinary Matters, EH will retain a summary record of all reported Disciplinary Cases for seven (7) years (or longer if so directed by the Disciplinary Panel) from the conclusion of the Disciplinary Case, including any Appeal(s) and completion of any Sanction. On completion of the Disciplinary Case, the Disciplinary Secretary must forward all documentation used in the case, to the EH's Disciplinary Lead to be held on file. All copies of documentation must be securely destroyed by the Disciplinary Lead.
- 17.3 The Disciplinary Panel will determine how long any offences found should be retained on record, including Sanctions, correspondence, documents, evidence, Witness statements and records of the Hearing and will be guided by the data retention periods at Appendix 2, which are based on the data protection principles, as set out in EH's Data Protection Policy, in reaching their Decision.
- 17.4 After seven (7) years from the conclusion of the Disciplinary Case, including any Appeal and completion of any Sanction, or the period recommended by the Panel (if longer), all records of the Hearing except any decision on liability and sanction shall be destroyed and any Sanction shall be expunged from the record of the Participant.
- 17.5 Summary records relating to lifetime bans will be kept in perpetuity.



18. MISCELLANEOUS

- 18.1 It is recognised that the Complainant and/or the Offender/Respondent may wish to appoint a Representative to help and support them during the Disciplinary Case. The role and responsibilities of a Representative are set out at Appendix 4.
- 18.2 Any Disciplinary Charge, Decision, notice or any other document required to be served or sent for the purposes of these Disciplinary Regulations may be:
- 18.2.1 sent by e-mail which shall be the preferred method of delivery, or
 - 18.2.2 delivered by hand, sent by prepaid post addressed to the last known place of residence using first-class mail, first-class recorded delivery, or special delivery.
 - 18.2.3 Care must be taken to ensure that the service of all documentation should be done in a secure manner compliant with Data Protection Laws.
- 18.3 All communications shall be delivered by e-mail or sent by first class post, to the parties at the addresses set out for each in the Notice of Appeal or Notice, or at such address as any party may have previously notified to the other parties.
- 18.4 Service of a document sent by electronic mail shall be deemed to be effected immediately, with sufficient proof of service being a copy of the sent mail properly addressed and electronically date-stamped. Service of a document sent by post shall be deemed to have been effected at the end of the second Working Day following the day of posting and, in proving a document was so sent, it shall be sufficient to prove with a receipt of posting that the envelope containing it was properly addressed to the last known address, prepaid and posted.
- 18.5 Proceedings, findings or Decisions of a Panel shall not be invalidated by reason of any minor defect, irregularity, omission, or technicality unless this raises a material doubt as to the reliability of the proceedings, findings or Decisions of the Panel.
- 18.6 If any part of these Disciplinary Regulations is held to be invalid, unenforceable or illegal for any reason, they shall remain in force apart from that part, which shall be treated as if it had been deleted to the extent to which it is invalid, unenforceable or illegal.
- 18.7 EH will refer the matter, where it is considered to be sufficiently serious, to the police, social services or other agencies for investigation, and it should consult with the police, social services or other agency about whether they require or recommend postponing or delaying consideration of the matter, in accordance with these Disciplinary Regulations, until their investigation has been concluded.
- 18.8 Neither EH, nor any body or individual who exercises powers under these Regulations in good faith, shall be liable in law, notwithstanding any neglect or failure to follow procedures or time constraints specified in these Regulations. Any body or individual exercising in good faith any powers set out in these Regulations shall be entitled to a full indemnity from EH in respect of any liability whatsoever and howsoever incurred as a consequence of the exercise of such powers.



- 18.9 EH, or any persons acting on behalf of EH in accordance with these Disciplinary Regulations, accepts no liability for any financial loss or any reputational or non-pecuniary damage arising from the Decision or conduct of the Disciplinary Case.
- 18.10 At the discretion of the Head of Legal & Governance and with the agreement of the Chair, two (2) or more parties or Misconduct Complaints may be dealt with at the same Disciplinary Hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents. The Chair of the Panel may modify the procedures adopted at the Disciplinary Hearing as appropriate.
- 18.11 The timescales contained in the Disciplinary Case set out in these Disciplinary Regulations will be adhered to wherever practically possible. EH recognises that a considerable element of the Sport is delivered through volunteers and therefore some flexibility may be required when applying timescales.
- 18.11.1 If the Disciplinary Lead or a Panel fails to adhere to the timescales set out in these Disciplinary Regulations, it will not invalidate the Disciplinary Case and only unreasonable delays may be used as grounds for Appeal.
- 18.11.2 All parties connected to the Complainant, or the Respondent, must comply with the timescales set out in these Disciplinary Regulations.
- 18.11.3 The Disciplinary Lead or Chair of a Disciplinary Panel may in their absolute discretion allow a request for an extension of time to comply with any request for information or Direction issued under these Disciplinary Regulations. For the avoidance of doubt this shall not apply to any time limits for submission of a Misconduct Complaint (regulation 4.2) or a Notice of Appeal (regulation 13). Production of a certificate purporting to be under the hand of a competent officer of a UK or overseas court that a Participant has been convicted of a criminal offence shall be conclusive evidence of a particular offence having been committed.
- 18.12 Production of a copy of the judgment of any civil court shall be conclusive evidence of the facts found proved in relation to that judgment.
- 18.13 The laws of England and Wales apply to these Disciplinary Regulations.



APPENDIX 1

DEFINITIONS

“AADA”	means an Assistant Area Disciplinary Administrator;
“ADA”	means an Area Disciplinary Administrator;
“ADP”	means an Area Disciplinary Panel appointed by each Area in accordance with these Disciplinary Regulations, which shall consist of a minimum of one (1) ADA (or acting ADA) and one (1) AADA. For Misconduct Offences the ADP shall usually consist of one (1) ADA (or acting ADA) and at least two (2) AADAs. For Red card Offences the ADP shall usually consist of at least one (1) ADA (or acting ADA) and one (1) AADA. For the avoidance of doubt, where individuals are involved in, or connected to, in any significant capacity at any level, a particular case, they shall not participate in that case as a member of the ADP;
“Adults at Risk”	means an Adult who has care and support needs, who as a result of those needs is unable to protect themselves from either the risk, or the experience of, abuse or neglect;
“Appeal”	means an application by a Respondent or Complainant (or EH where applicable) to have an Appeal Panel consider the processes, deliberations and/or Decisions of a Disciplinary Panel;
“Appeal Form”	means the form completed by a Respondent or Complainant, to Appeal the Decision of a Disciplinary Panel;
“Appeal Hearing”	means a paper or oral hearing of an Appeal;
“Appeal Panel”	means a panel appointed to hear an Appeal (whether the EHDP or the EHAP) consisting of a body of three (3) individuals (to include a Chair) drawn from the Panel Register;
“Appeal Panel Decision Form”	means the form completed by the Appeal Panel and sent to the Disciplinary Lead to notify of the Panel’s Decision;
“Appellant”	means a Participant or Member who submits an Appeal of the Decision of a Disciplinary Panel in accordance with these Disciplinary Regulations;
“Area”	means an Area Hockey Company as defined in the Articles of Association;



“Articles of Association”	means the articles of association of EH;
“Board”	means the board of directors of EH;
“CDO”	means Club Disciplinary Officer, the individual appointed by a Club to be its disciplinary officer and who shall be the point of contact for the Club in respect of all disciplinary matters pursuant to these Disciplinary Regulations. In the event that a Club has not appointed a disciplinary officer, then the Club CDO for the purposes of these Disciplinary Regulations shall be the Club’s secretary or the Club representative or primary contact whose name and details are registered with EH;
“Chair”	means the chair of either a Disciplinary Panel or an Appeal Panel. For the EHDP and EHAP the chair shall be a Legally Qualified Chair and shall come from an annually reviewed pool of no more than five (5) members of the Panel Register.
“Children or Young People”	means anyone under the age of 18;
“Club”	mean any club member of EH playing in an EH or Area or Sub-Area (County) Competition or any other team or configuration of players taking part or preparing to take part in any competition or activity which falls under the jurisdiction of EH or is played under EH competition regulations;
“Codes of Conduct”	means any codes of conduct issued or specified by EH from time to time;
“Competition”	means any league, event or series of interdependent matches involving the Sport in which a Team participates. A Competition can be held at a home or away venue, or at a central venue, festival or tournament;
“Complainant”	means a person who submits a written Misconduct Complaint to EH. The Complainant may be required or directed to attend a Disciplinary Panel or an Appeal Hearing;
“Confidential Information”	means any information supplied or disclosed that is confidential or secret in nature and is supplied in such a way as to impart a duty of confidence;
“Conflict of Interest”	means a situation in which an individual or entity has competing interests or loyalties or there may be a reasonable perception of or actual bias;



"Costs"	means an order for payment of reasonable costs incurred in all or part of a Disciplinary Proceeding, which may be decided by a Panel and maybe payable by either party;
"Data Protection Laws"	means any data protection, privacy or similar laws that apply to Personal Data Processed in connection with these Disciplinary Regulations including the EU GDPR, the UK GDPR, the Data Protection Act 2018, the Privacy and Electronic Communications Directive 2002/58 and any amendments to, or replacements of, these laws;
"Decision"	means the result of a Panel's deliberations, arrived at by a majority;
"Disciplinary Case"	means any Red Card or Misconduct Offence proceedings, or part thereof, in accordance with these Disciplinary Regulations;
"Disciplinary Charge"	means an allegation of Misconduct made against the Respondent which is the subject of investigation and determination by a Disciplinary Panel;
"Disciplinary Hearing"	Means a paper or oral hearing of a Disciplinary Case;
"Disciplinary Lead"	means the person appointed or employed by EH to: <ul style="list-style-type: none">(a) handle all administration matters concerning the operation of these Disciplinary Regulations, including communicating the Decision(s) of the Panel to all parties and the Head of Legal & Governance;(b) be responsible for communicating Sanctions to those required to uphold them effectively;(c) where reasonably necessary, provide procedural advice to Panels and parties in any Disciplinary Case; and(d) operate as Disciplinary Secretary to the EHDP and NDP.
"Disciplinary Panel"	means either an ADP, NDP or the EHDP;
"Disciplinary Regulations"	means these EH Disciplinary Regulations and any amendments or updated versions thereof that may be made from time to time;



"Disciplinary Secretary"	means the person appointed by EH or the ADA (as applicable) to handle all administration matters concerning the operation of an EHDP, NDP or ADP matters as required from time to time. EH reserves the right to appoint an Independent Person as Disciplinary Secretary where appropriate;
"Dissent"	means any single, continuous or repeated act of unacceptable abuse or criticism of umpires, other appointed officials or any other relevant participant, whether verbal or through body language/attitude, whether or not this includes foul or abusive language or gestures;
"EH"	means England Hockey;
"EHAP"	means the EH Appeal Panel, which shall consist of a body of three (3) individuals, to include a Chair, drawn from the Panel Register to consider and determine an Appeal of a Decision by the EHDP under these Disciplinary Regulations;
"EHDP"	means the EH Disciplinary Panel, which shall consist of a body of three (3) individuals, to include a Chair, drawn from the Panel Register to consider and determine a Disciplinary Charge or an Appeal (as applicable) under these Disciplinary Regulations;
"EuroHockey"	means the EuroHockey (previously known as the European Hockey Federation);
"EU GDPR"	means the EU General Data Protection Regulation 2016/679;
"FIH"	means the International Hockey Federation;
"Head of Legal & Governance"	means the individual appointed or employed by EH as the Head of Legal & Governance from time to time;
"Hearing"	means either a Disciplinary Hearing or an Appeal Hearing;
"Hearing Notice"	means the form issued by the Disciplinary Lead in accordance with paragraph 1 of the Oral Hearing Procedure;
"Hearing Party"	means either or any of the parties to a Hearing;



"Independent Person"	means an independent person with expert knowledge and understanding of a particular field, who has no vested interest in the outcome of a Disciplinary Case, who is called on to provide information to assist a Panel in making its Decision, become a member of a Panel, or act as Disciplinary Lead. For the avoidance of doubt this may include Sport Resolutions;
"Lead Safeguarding Officer"	means the person appointed by EH to lead on safeguarding issues;
"Mandatory Minimum Suspension"	shall have the meaning set out at Regulation 11.12;
"Match"	means a game of hockey including any extra time, shoot-out, quarter time, half time interval and/or any other interval between the aforementioned phases of a game taking place as part of a Competition or any other game of hockey played by any Team or between two (2) Teams which falls under the jurisdiction of EH;
"Match Official "	means an individual appointed as an official for a Match (other than an Umpire);
"Mediate"	means to engage two (2) or more parties to facilitate an agreement, compromise or reconciliation;
"Mediation"	means a process where a completely neutral Mediator assists or facilitates either two (2) or more parties in resolving a dispute, disagreement or grievance;
"Mediation Agreement"	means the agreement signed by the Complainant and Respondent to agree to partake in Mediation;
"Mediator"	means the person appointed to mediate between the parties. The Mediator's role is to assist and guide parties involved in order for them to reach their own resolution. The Mediator does not decide the outcome;
"Member"	means any member of EH whether formally or temporarily by virtue of entry into any competition that falls within the jurisdiction of EH (other than an individual member) including any club, school, corporation, association, officiating club/association or organisation for which an individual may participate or with which an individual may be principally connected at any material time which is a member of EH;



“Minor Offence”	shall mean an offence that is not reckless or dangerous and/or does not involve: (i) any actual, attempted or threatened violence or (ii) any dissent towards an Umpire or Match Official;
"Misconduct "	shall have the meaning given at Regulation 2.1;
“Misconduct Complaint”	means a formal allegation of Misconduct made against a Participant or Member, by another Participant or Member, in accordance with these Disciplinary Regulations;
“Misconduct Complaint Form”	means the form which must be completed and sent to the Head of Legal & Governance in accordance with Regulation 4 for a Participant or Member to make a Misconduct Complaint;
“Misconduct Complaint Information Form ”	means the form sent by the Disciplinary Lead to the Complainant and Respondent to inform them of the details of the complaint and the process;
“NDP”	means the National Disciplinary Panel, which shall be formed from the eight (8) ADAs and the Disciplinary Lead who shall act as convener and secretary to the NDP. When a NDP has to be convened it shall comprise not fewer than three (3) ADAs, one of whom shall be asked by the Disciplinary Lead to operate as Chair for that matter. If deemed appropriate EH may appoint an Independent Person to the NDP;
“Nonviolent Offence”	means any offence involving Dissent and any other offence for which a Red Card is issued and which is not categorised as a Minor Offence or a Violent Offence
"Offender"	means a Participant who is issued with a Red Card by an Umpire;
"Oral Hearing Procedure"	means the procedure for oral Hearings as set out at Appendix 2;
"Panel"	may be used to describe a Disciplinary Panel or an Appeal Panel depending on the context;
"Panel Decision Notice"	means the form completed by a Panel Chair and sent to the Disciplinary Lead to notify of the Panel’s Decision;



"Panel Register"

means the EH Panel Register, consisting of a list of individuals maintained by EH's Disciplinary Lead, all of whom are appropriately trained and experienced in the application of these Disciplinary Regulations, and may be appointed from time to time to sit on the appropriate Disciplinary Panel under these Disciplinary Regulations. For the avoidance of doubt, where individuals are involved in, or connected to, in any significant capacity at any level, a particular case, they shall not participate in that case, even though they may remain a member of the Panel Register. The EH Panel Register shall comprise:

- a) eight (8) ADAs;
- b) a pool of individuals (between fifteen (15) and twenty-five (25) in number) to include, but not limited to, solicitors, barristers and KCs, safeguarding professionals and experts in fields such as finance, medicine and sports administration; and
- c) if deemed appropriate by EH, an appropriately qualified Independent Person.

From the Panel Register EH shall appoint a maximum of five (5) members to operate as Chair of the EHDP or EHAP, to be reviewed annually. An appointed Chair shall not be an officer or employee of EH or a currently serving ADA or AADA;

"Participant"

means any person, whether or not a member of EH, who from time to time engages in the Sport in any capacity whether directly or indirectly, including, but not limited to, a player, coach, manager, physiotherapist, doctor, videographer, any other Club or Team official, umpire or technical official. For the purpose of these rules supporters and volunteers will fall within the definition of participant;

"Penalty Notice Form"

means the penalty notice form in respect of a Red Card which is issued in accordance with Regulation 7.13 or 7.15.3;

"Red Card"

shall have the meaning given at Regulation 2.3;

"Red Card Form"

means a Red Card form which should be completed by an Umpire in accordance with Regulations 5.3 and 5.4;



"Red Card Offence"	means a breach of the Rules of Hockey or other misconduct for which any person is permanently suspended by an umpire from further participation in a match (whether or not, for whatever reason acceptable to the relevant Disciplinary Panel, a Red Card is actually shown);
"Reply Submissions"	shall have the meaning given at Regulation 13.5.4(b);
"Representative"	means a person appointed by a Complainant or Respondent to represent them during the entire Disciplinary Case, including, but not limited to attendance at an oral Hearing;
"Respondent"	means any Participant against whom a Disciplinary Case is brought in accordance with these Disciplinary Regulations;
"Rules of the Game"	means the rules of the Sport as prescribed by FIH, and varied by the FIH, EuroHockey and EH (as applicable) from time to time;
"Safeguarding Regulations"	means EH's Safeguarding Young People in Hockey Regulations, and/or Safeguarding Adults Policy and Procedures which can be found here ;
"Sanction"	means a penalty, restriction or condition imposed on a Respondent by any Disciplinary Panel, or an Appellant by an Appeal Panel;
"Season"	means a standard EH hockey season, commencing in the autumn of one calendar year and concluding in the summer of the following calendar year;
"Sport"	means the game of field hockey or any versions of the game that are recognised and governed by EH;
"Sport Resolutions"	means Sport Resolutions, the independent, not-for-profit, dispute resolution service;
"Staff"	means those employed or holding any other form of contract with EH whether on full time, part time or zero hours contracts;
"Statement of Evidence Form"	means the form which will be completed by Witnesses and sent to the Disciplinary Lead to provide evidence and Witness statements;
"Statement of Truth"	A statement at the end of a document, stating "I believe the facts stated in this document are true.";
"Team"	a group of players with or without support staff (including but not limited to designated managers, coaches, physiotherapists) participating together in a Match;



"UK GDPR"	means the retained UK law version of the EU GDPR as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as amended by Schedule 1 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (SI 2019/419);
"Umpire"	means an umpire presiding over the Match to which a Red Card Offence or alleged Misconduct is related;
"Violent Offence"	means a deliberate, reckless and/or negligent use of force or contact outside of the rules of hockey directed towards another person or object whether causing actual harm or not;
"Witness"	means any individual providing a statement or evidence as part of a Disciplinary Case, whether in written format prior to a Hearing, verbally in attendance at an oral Hearing or otherwise;
"Working Day"	means any day other than a Saturday, Sunday or public holiday in England and Wales.



APPENDIX 2

ORAL HEARING PROCEDURE

1. Unless otherwise expressly stated, these guidelines shall apply to both Disciplinary Hearings and Appeal Hearings.

Preparation for an oral hearing.

2. The Chair may issue directions relating to the procedural aspects in the period leading up to the Hearing in order to ensure proper and fair conduct of the Hearing. The Disciplinary Secretary shall notify the Panel members of any such directions. These may include but shall not be limited to procedure and timetable.
3. Notice of the Hearing must be sent by the Disciplinary Secretary to the Hearing Parties via a Hearing Notice at least twenty-eight (28) days before the date of the Hearing or sooner with the agreement of the parties, together with all supporting materials and (if applicable) copies of Witness statements. The Hearing Notice shall also name the individuals, specifically identifying the Chair, who will constitute the relevant Panel.
4. In the case of a Disciplinary Hearing, the Respondent should be informed in the Hearing Notice of the need to:
 - (a) identify any Witnesses upon whose evidence they intend to rely;
 - (b) provide copies of their Witness statements, which shall be signed and dated and include a statement of truth; and
 - (c) arrange for their attendance at the Hearing.
5. Unless the Chair instructs otherwise, at least fourteen (14) days in advance of the Hearing, each Hearing Party must provide the Disciplinary Secretary, via e-mail, details of all Witnesses they wish to call, together with copies of their written statements completed in accordance with paragraph 4 above and any other documentary evidence they propose to rely on at the Hearing.
6. It shall be the duty of the Hearing Parties to notify and arrange for the attendance of any Witnesses they may wish to call. The number of Witnesses allowed to give evidence will be at the discretion of the Chair, however they should be adequate enough to establish or defend a case without resulting in unreasonable duplication or time wasting.
7. Both Hearing Parties shall advise the Disciplinary Secretary, at least fourteen (14) days before the Hearing, if they will be using the services of anyone (legal, technical or otherwise) to present their case or advise them at the hearing. If either party has previously appointed a Representative they are still required to advise if this individual will present their case for them at the hearing. The name and status of any Representative must be provided to the Disciplinary Secretary at the time of notification. The person who represents either Hearing Party may not also be a Witness.



8. The Disciplinary Secretary shall, at least seven (7) days before the Hearing, notify each of the Hearing Parties to the proceedings of the names of the other Hearing Party's Witnesses and the name and status of any Representative and anyone other than the Hearing Party who will be presenting a Hearing Parties' case or acting as an adviser.

Request for an adjournment of an oral hearing.

9. The Chair has discretion to adjourn the Hearing for a maximum of fourteen (14) days if at any time they think the interests of justice require it (e.g. to secure the attendance of a key Witness or to allow for additional evidence to be presented).
10. The Hearing Parties may request in writing an adjournment of the Hearing within seven (7) days of the date of the Hearing Notice. A detailed statement of the reasons for the request must be provided. The request must be sent to the Disciplinary Secretary. The Disciplinary Panel Chair will consider the request and make a Decision that they, in their absolute discretion, shall consider fair and reasonable (although if any adjournment is ordered this should, normally, not exceed fourteen (14) days).
11. In making any order to adjourn, the Chair shall bear in mind not only the interests of the party seeking the adjournment but also the interests of any other parties including Witnesses, and the administrative implications.
12. The Chair will determine the date, time and place of any adjourned Hearing. The Disciplinary Secretary shall write to the Hearing Parties informing them of the adjournment and advising of the adjourned Hearing date and requesting a written acknowledgement via e-mail.
13. If the Respondent does not attend, or is not represented at any adjourned Hearing, the Panel will consider the case in their absence. The Chair has the discretion to order a further Hearing date if there are compelling reasons for non-attendance by either party.

Conduct of an oral hearing.

14. The procedure for the Hearing shall be flexible and informal, and shall be at the discretion of the Chair, who may make such decisions as necessary to ensure the orderly and effective conduct of the Hearing and provide for any reasonable adjustments to allow the Hearing Parties and Witnesses to take part properly, subject to the overriding requirement of fairness. The Chair will outline the basic procedure of the Hearing at the start of the Hearing.
15. The Panel may proceed to hear the case in the absence of any of the parties and Witnesses if due notice has been provided.
16. The Hearing Parties may rely on written representations made prior to the Hearing and/or appearance in person. Documents will be deemed to be authentic unless advance notice has been served requiring for them to be proved at the Hearing.
17. Hearings will take place remotely using Teams or some other suitable IT platform unless otherwise directed. All remotely convened hearings shall be recorded for EH's records. It should be clearly understood that travel or other expenses or fees will not be paid to either Hearing Party, their Representatives



18. or Witnesses involved in the Hearing. This does not preclude the Panel from imposing Costs orders on either Hearing Party in respect of administrative costs.
19. The Hearing shall take place in private, with the Decision and any Sanction being treated as confidential by all parties until ten (10) days after that notification to allow the Hearing Parties to seek leave to submit an Appeal if they are eligible so to do.
20. The Panel shall decide any issue by a simple majority and no member of the Panel may abstain from voting.
21. The Disciplinary Secretary may record the Disciplinary Panel proceedings. The proceedings may be audio or video recorded; the Disciplinary Panel Chair will inform those involved in the Disciplinary Hearing about the recording at the start of the proceedings.
22. If the Panel feels it is necessary, bearing in mind all the circumstances surrounding the Hearing, the Panel may request EH to appoint an Independent Person (e.g. a respected senior official, lawyer or accountant) to act as adviser to the Panel. The cost of this may be taken into consideration in any award of Costs or be borne by EH.
23. If the Panel feels the Hearing has arisen out of a wider dispute between the Hearing Parties and will culminate in a series of retaliatory Misconduct Complaints or issues, it can recommend the dispute is resolved through Mediation.



APPENDIX 3

PROCEDURE FOR MEDIATION

1. Where a Panel has made a recommendation for Mediation, the Head of Legal & Governance, at their absolute discretion, will determine if EH may facilitate Mediation through the EH appointed Mediator and advise the Disciplinary Lead within seven (7) Days. Where EH offer to facilitate Mediation, any costs associated with the process will be borne by EH.
2. Notice of the Mediation must be sent to the Complainant and Respondent via e-mail proposing a date for the Mediation and naming the Mediator.
3. Both the Complainant and Respondent have seven (7) days from the date of the notice in which to:
 - 3.1 agree to proceed with Mediation and agree the proposed date;
 - 3.2 request in writing an adjournment of the Mediation with a detailed statement of the reasons for the request; or
 - 3.3 decline to proceed with Mediation.
4. The Mediation shall take place in private, and all discussions during the Mediation are confidential.
5. The outcomes of Mediation are:
 - 5.1 an agreement reached between the Complainant and Respondent; or
 - 5.2 no agreement reached between the Complainant and Respondent.
6. The written outcome of the Mediation must be completed by the Mediator within five (5) days of the Mediation date and sent to the Disciplinary Lead and Head of Legal & Governance.
7. The Disciplinary Lead shall notify the Mediation outcome to the Respondent and Complainant in writing as soon as possible, along with details of the status of the Disciplinary Case.
8. There is no right of appeal against the outcome reached by Mediation as this is a process of reaching an agreement between the parties.
9. Where all parties did not agree to Mediation or where Mediation did not result in an agreement being reached between the parties the Disciplinary Case will re-enter the procedure, at the point Mediation was recommended, and proceed to conclusion.



APPENDIX 4

ROLE OF A REPRESENTATIVE

1. Before any Representative appointment is confirmed the Complainant or Respondent appointing the Advocate must return a signed "Representative agreement form" to the Disciplinary Lead. This is to ensure that all parties understand their responsibilities in relation to their role, conduct and confidentiality.
2. A Representative may support or assist the Complainant or Respondent in preparing for a Disciplinary Hearing or Appeal including being copied into correspondence shared with the Complainant or Respondent they are representing. The Representative may also present the case of the person they are representing at that Hearing but cannot answer questions on their behalf or replace either the Complainant or Respondent at the Hearing.
3. A Representative shall be bound by the confidentiality clauses outlined under Regulation 16. Any breach of confidentiality, improper contact, approach or attempt to influence or intimidate a Panel member or Witness established under these Disciplinary Regulations could result in further Disciplinary Charges for the Complainant or Respondent who appointed the Representative and/or the Representative themselves.
4. A Complainant or Respondent should immediately inform the Disciplinary Lead if any of the relevant circumstances of an appointed Representative change.
5. If a Complainant or Respondent wishes to terminate the appointment of a Representative or to appoint a different Representative, they must inform the Disciplinary Lead immediately and repeat the process outlined in this Appendix 4.
6. An individual once appointed as a Representative cannot be called by the individual who appointed them as a Representative also to act as a Witness in the same case. Where an individual has previously provided a Witness statement earlier in the case proceedings they cannot be appointed as a Representative.



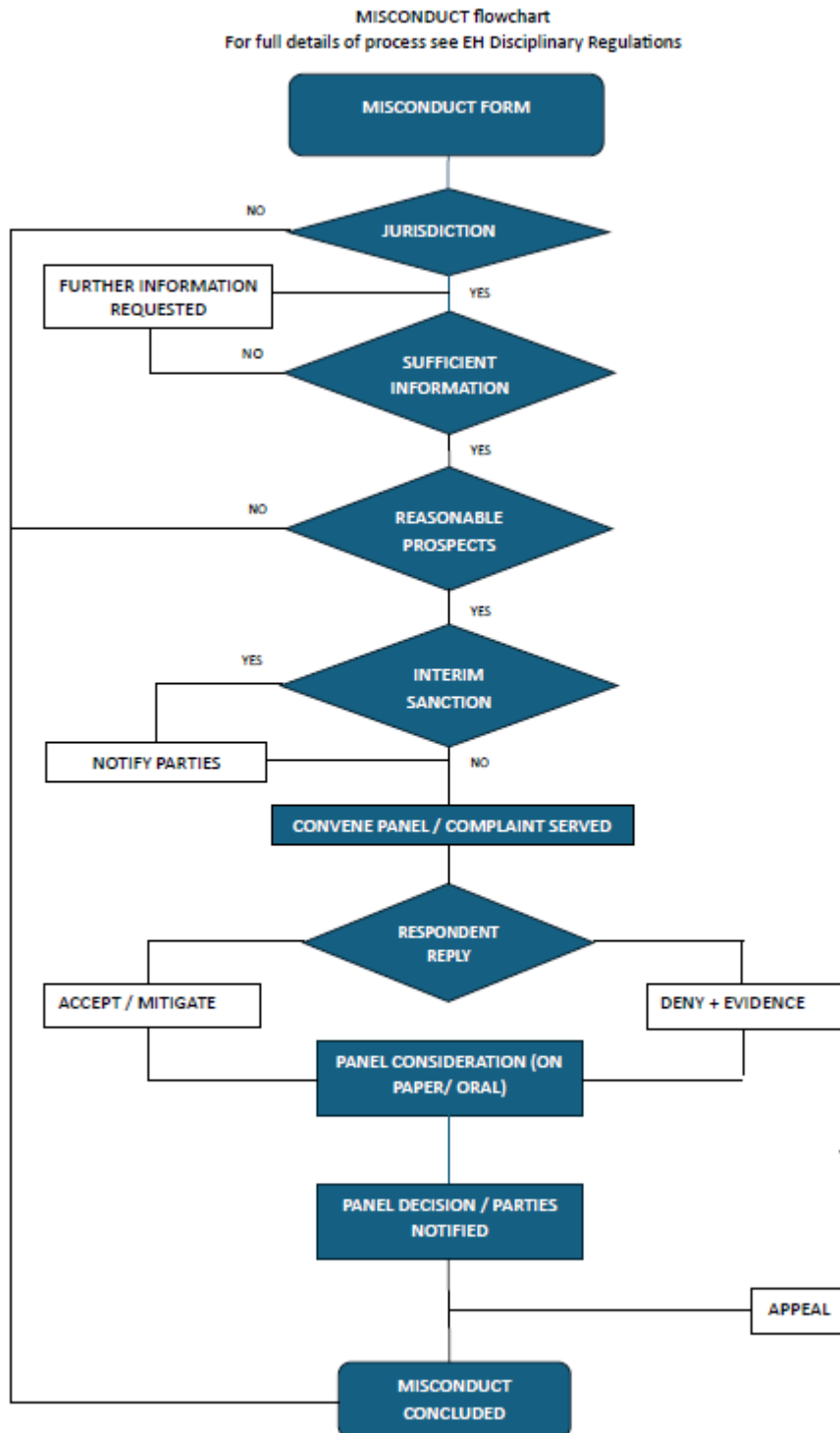
APPENDIX 5

CASES INVOLVING CHILDREN OR YOUNG PEOPLE OR ADULTS AT RISK

1. Children or Young People or Adults at Risk have equal rights to justice, fair play and protection. They shall be entitled to the full protection of all EH's policies and procedures, and their Misconduct Complaints shall be dealt with as thoroughly and rigorously as those of any other Participants.
2. The EH Lead Safeguarding Officer must be referred to in every instance where Children or Young People or Adults at Risk are involved in a Misconduct Complaint and Disciplinary Case, whether as Complainant, Respondent, Witness, or in any other capacity.
3. It is vital to recognise that some Children or Young People or Adults at Risk may be more vulnerable than others of a similar age; some may, regrettably, encounter additional barriers due to their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Panels, particularly the Chair of these Panels, must at all times be mindful of the demands that such vulnerability may impose and adjust the format of proceedings where appropriate.
4. In appropriate cases where Children or Young People or Adults at Risk are Witnesses, care should be taken regarding the provision of evidence. The Panel must take due care when dealing with Children or Young People or Adults at Risk and be guided by the EH Lead Safeguarding Officer. Under no circumstances, should the Panel Chair allow undue pressure or any form of hostility to take place at the oral Hearing or in the presence of a Child or Young Person or Adult at Risk.
5. Interviews of Children or Young People or Adults at Risk shall only be conducted by suitably trained and experienced persons nominated by the EH Lead Safeguarding Officer. Wherever and whenever possible, the acceptance by the Respondent and/or Complainant of a Child or Young Person or Adult at Risk's evidence via a third party or in written statement form should be sought by the Panel Chair.
6. In all cases, written permission must be obtained from the parent or guardian before a Child or Young Person or Adult at Risk (who does not have capacity) is asked to provide evidence to and/or attend an oral Hearing.
7. Parents, guardians or chaperones must accompany any Child or Young Person or Adult at Risk (who does not have capacity) required to attend an oral Hearing. The Panel Chair must at all times be patient, understanding and ensure that the Child or Young Person or Adult at Risk fully understands the process taking place at each stage.
8. Those involved in proceedings must always be mindful that the experience of giving evidence for a Child or Young Person or Adult at Risk can in itself be stressful.
9. In any proceedings involving a Child or Young Person or Adult at Risk, the Panel Chair may instruct that the name of that person be removed from any publicity around the Disciplinary Case except where the Child or Young Person or Adult at Risk is the Respondent and Sanctions are imposed by the Disciplinary Panel for the purposes of compliance with Sanctions and notification.

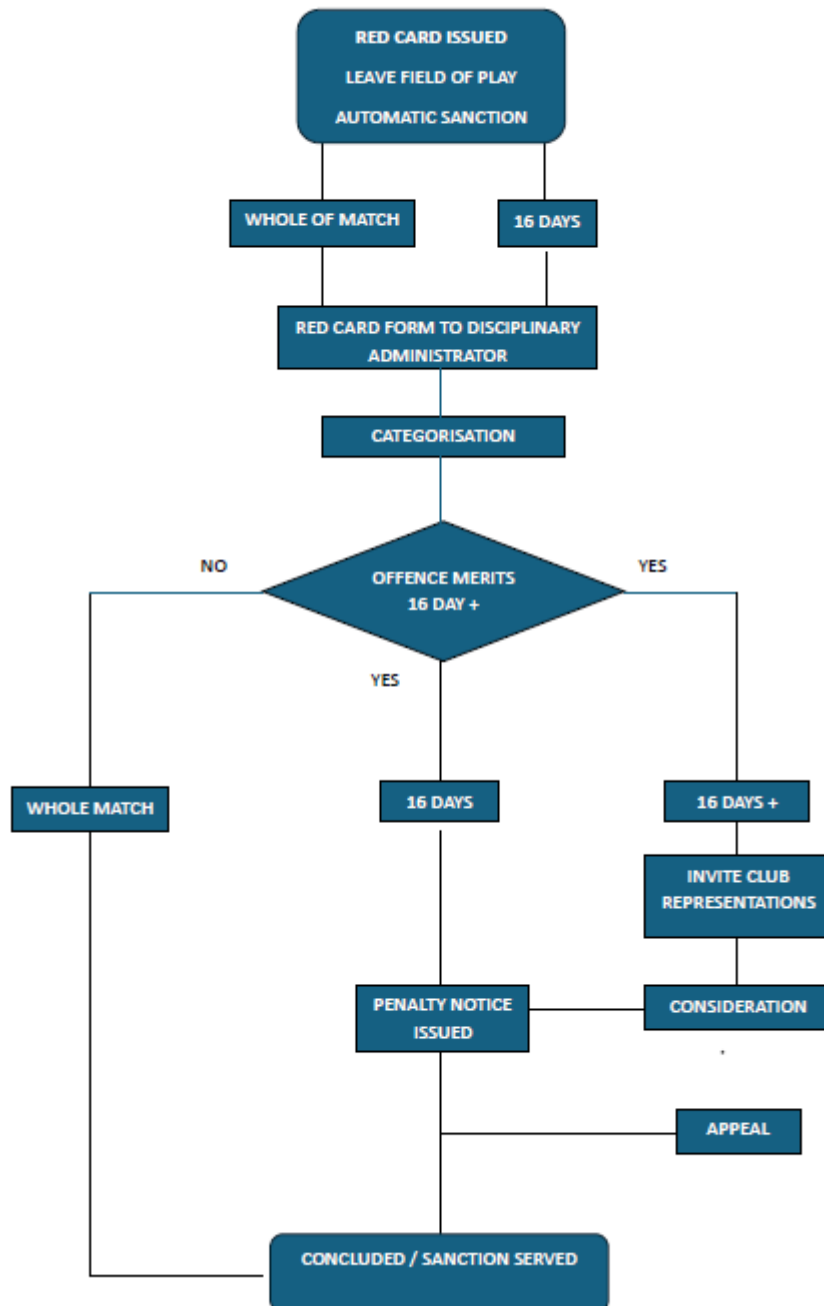
APPENDIX 6

Misconduct process



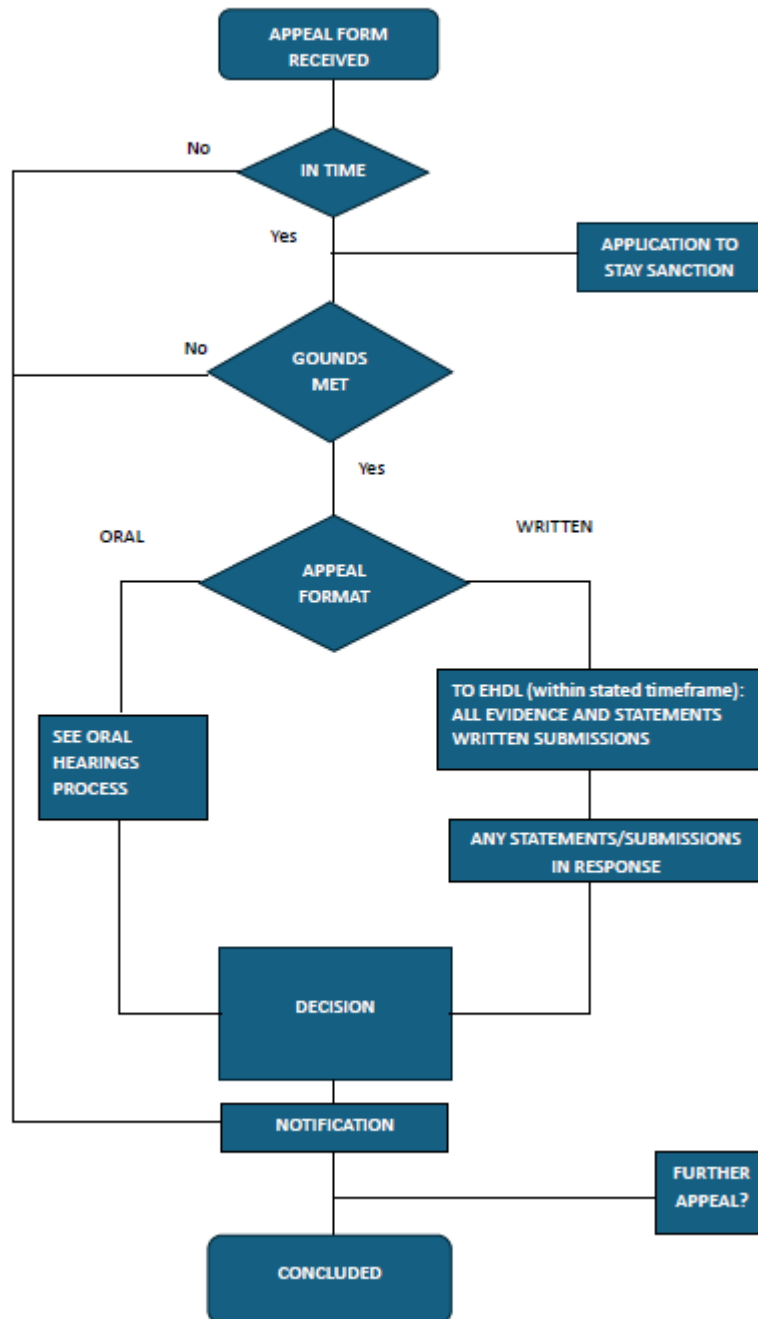
Red Card process

RED CARD flowchart
For full details see EH Disciplinary Regulations



Appeal process

APPEALS flowchart
For full details of process see EH Disciplinary Regulations



Oral Hearing process

ORAL HEARING flowchart
For full details of process see EH Disciplinary Regulations

